
SENATE BILL No. 425

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-22-17-3.5; IC 5-23-1-1.

Synopsis: Term of state contracts. Provides that a contract for services entered into by a state agency: (1) may not be for a period of more than four years unless a statute specifically provides otherwise; and (2) may not be renewed. Provides that, after the term of a contract for services, a new contract for the same services may be awarded to the same contractor that provided the services under the original contract only if there is a new solicitation. Provides that the statute authorizing public-private agreements does not apply to services unless the contract is a "BOT" agreement or an "operating agreement" (as both terms are defined in the public-private agreement statute).

Effective: Upon passage.

Simpson

January 16, 2007, read first time and referred to Committee on Tax and Fiscal Policy.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 425

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-22-17-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 3.5. (a) This section applies only to a**
4 **contract for services entered into by a state agency.**

5 **(b) A contract for services may not be entered into for a period**
6 **of more than four (4) years unless a statute specifically provides**
7 **otherwise.**

8 **(c) A contract for services may not be renewed. After the term**
9 **of a contract for services, a new contract for the same services may**
10 **be awarded to the same contractor that provided the services**
11 **under the original contract only if there is a new solicitation for the**
12 **new contract.**

13 **(d) A contract for services must specify that payment and**
14 **performance obligations are subject to both of the following:**

15 **(1) The appropriation and availability of funds.**

16 **(2) Section 5 of this chapter.**

17 SECTION 2. IC 5-23-1-1 IS AMENDED TO READ AS FOLLOWS



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[EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This article applies to the following:

(1) The state.

(2) A political subdivision in a county containing a consolidated city.

(3) A political subdivision in a county where:

(A) the legislative body of the political subdivision; or

(B) if the political subdivision does not have a legislative body, the fiscal body of the political subdivision;

adopts the provisions of this article by resolution or ordinance.

(b) This article does not apply to a contract for services (as defined in IC 5-22-2-30) unless the contract is either of the following:

(1) A BOT agreement.

(2) An operating agreement.

(c) IC 5-22 applies to a contract for services unless the contract is described in subsection (b)(1) or (b)(2).

SECTION 3. An emergency is declared for this act.

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